

ment and corn oil in the other had been substituted almost wholly for olive oil, which the articles purported to be.

On January 19, 1920, no claimant having appeared, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be sold by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

**8452. Adulteration and misbranding of olive oil. U. S. \* \* \* v. 31 Gallons of a Product Purporting to be Olive Oil. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 10232. I. S. Nos. 13585-r, 13586-r. S. No. E-1376.)**

On May 12, 1919, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of a certain quantity of an article purporting to be olive oil, at Scranton, Pa., alleging that the article had been shipped on or about April 24, 1919, by N. P. Economou & Theodos, New York, N. Y., and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of cottonseed oil flavored with a small quantity of olive oil and that the quantity of the contents of the cans was less than 1 gallon and  $\frac{1}{2}$  gallon, respectively, as labeled.

Adulteration of the article was alleged in the libel in that the article consisted essentially of cottonseed oil which had been substituted wholly or in part for the article which the labels on the package purported the contents thereof to be, to wit, olive oil.

Misbranding of the article was alleged in that the statements on the labels on the cans, regarding the contents of the cans, "Finest Quality Table Oil, Insuperabile Termini Imerse," together with the pictorial designs and devices thereof, were false and misleading and deceived and misled the purchaser in that it purported to be a foreign product, when it was not a foreign product. Further misbranding was alleged in that the article was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, olive oil. Further misbranding was alleged in substance in that the products were articles of food in package form, and the quantity of the contents in each case was not declared, that is to say, was not correctly stated.

On January 1, 1920, no claimant having appeared, judgment of condemnation and forfeiture was entered, and the product was ordered sold by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

**8453. Adulteration and misbranding of acetanilid and salol, acetphenetidin and salol, codeine sulphate, and morphine sulphate tablets. U. S. \* \* \* v. Bowman, Mell & Co., a Corporation. Plea of nolo contendere. Fine, \$50. (F. & D. No. 10249. I. S. Nos. 3036-p, 3037-p, 3040-p, 3041-p.)**

On October 21, 1919, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Bowman, Mell & Co., a corporation, Harrisburg, Pa., alleging shipment by said company, on or about May 15, 1918, in violation of the Food and Drugs Act, from the State of Pennsylvania into the State of Delaware, of quantities of drugs, labeled in part "Tablets Acetanilide and Salol Acetanilide  $2\frac{1}{2}$  grs. Salol  $2\frac{1}{2}$  grs.," "Compressed Tablets Acetphenetidin and Salol Acetphenetidin

2½ grs. Salol 2½ grs." "Hypodermic Tablets Codeine Sulphate ¼ gr.," and "Hypodermic Tablets Morphine Sulphate ⅓ gr.," which were adulterated and misbranded.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed the following average shortages: Acetanilid and salol tablets, acetanilid 0.29 grain, or 11.6 per cent, salol 0.31 grain, or 12.4 per cent; acetphenetidin and salol tablets, acetphenetidin 0.215 grain, or 8.6 per cent, salol 0.31 grain, or 12.4 per cent; codeine sulphate tablets, codeine sulphate 0.0329 grain, or 13.16 per cent; morphine sulphate tablets, morphine sulphate 0.015 grain, or 12.0 per cent.

Adulteration of the articles was alleged in the information for the reason that their strength and purity fell below the professed standard and quality under which they were sold in that the "Acetanilide and Salol Tablets" was a product which contained less than 2½ grains of acetanilid and less than 2½ grains of salol per tablet, to wit, 2.21 grains of acetanilid and 2.19 grains of salol per tablet and was sold as a product which contained 2½ grains of acetanilid and 2½ grains of salol per tablet; the "Acetphenetidin and Salol Tablets" was a product which contained less than 2½ grains of acetphenetidin and less than 2½ grains of salol per tablet, to wit, 2.285 grains of acetphenetidin and 2.19 grains of salol per tablet, and was sold as a product which contained 2½ grains of acetphenetidin and 2½ grains of salol per tablet; the "Codeine Sulphate Tablets" was a product which contained less than ¼ grain of codeine sulphate per tablet, and was sold as a product which contained not less than ¼ grain of codeine sulphate per tablet; and the "Morphine Sulphate Tablets" was a product which contained less than ⅓ grain of morphine sulphate per tablet, to wit 0.110 grain of morphine sulphate, and was sold as a product which contained ⅓ grain of morphine.

Misbranding was alleged for the reason that the statements, to wit, "Compressed Tablets \* \* \* Acetanilide 2½ grs. Salol 2½ grs.," "Compressed Tablets \* \* \* Acetphenetidin 2½ grs. Salol 2½ grs.," "Hypodermic Tablets Codeine Sulphate ¼ gr.," and "Tablets Morphine Sulphate ⅓ gr.," borne on the labels attached to the bottles containing the articles, regarding the articles and the ingredients and substances contained therein, were false and misleading in that they represented that each of said tablets contained not less than 2½ grains of acetanilid and not less than 2½ grains of salol, not less than 2½ grains of acetphenetidin and not less than 2½ grains of salol, not less than ¼ grain of codeine sulphate, and not less than ⅓ grain of morphine sulphate per tablet, respectively, whereas, in truth and in fact, each of said tablets did contain less than 2½ grains of acetanilid and less than 2½ grains of salol, less than 2½ grains of acetphenetidin and less than 2½ grains of salol, less than ¼ grain of codeine sulphate, and less than ⅓ grain of morphine sulphate per tablet, respectively, to wit, 2.21 grains of acetanilid and 2.19 grains of salol, 2.285 grains of acetphenetidin and 2.19 grains of salol, 0.217 grain of codeine sulphate, and 0.110 grain of morphine sulphate per tablet, respectively. Misbranding was alleged for the further reason that the articles contained acetanilid, acetphenetidin (a derivative of acetanilid), codeine (a derivative of opium), and morphine sulphate (a derivative of morphine alkaloid), and the labels failed to bear statements of the quantity or proportion of acetanilid, acetphenetidin (a derivative of acetanilid), codeine (a derivative of opium), and morphine sulphate (a derivative of morphine alkaloid) contained therein.

On October 21, 1919, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

E. D. BALL, *Acting Secretary of Agriculture.*